

WASHINGTON, DC—Congressman Peter DeFazio (D-Springfield) today announced that he sent a letter to the Chairman of the Federal Communications Commission (FCC), Kevin Martin, in response to recent actions by Verizon to deny an application from NARAL Pro-Choice America from using Verizon's text message service.

Due to public pressure, Verizon reversed course, but their policy still states; "Verizon Wireless reserves the right to remove or block access to any of the content, by whatever means it deems necessary in its sole discretion, without notice." The policy goes on to state "There is a zero-tolerance policy for non-compliance." This policy is not unique among telecommunications companies. For instance, AT&T recently unveiled their updated license agreement for DSL users with similar language.

With more and more people using blackberries, instant messaging and email, consumers have moved beyond simple voice to voice communication. Congressman DeFazio is calling on Chairman Martin to ensure that the principles of free expression remain sacrosanct, both from interference and censorship by the government as well as private companies.

DeFazio's letter follows:

October 4th, 2007

The Honorable Kevin Martin
Chairman, The Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Chairman Martin:

I am writing to express my alarm at the recent actions of two of the largest telecommunications carriers in the United States and urge that the Federal Communications Commission take action to protect consumers and free speech going forward.

As you know, it was reported recently that Verizon Communications refused to allow NARAL, a pro-choice advocacy group, to communicate to its membership through Verizon mobile text-messaging platform. While they quickly reversed their decision due to public pressure, it raises serious concerns about free speech in our digital world. If Verizon Communications had attempted to block NARAL from calling its members using its incumbent wireline network, it would have violated basic common carrier laws under Title II of the Communications Act. As more of my constituents use mobile data to communicate with their family and friends, it is critical that our nation's regulatory officials reexamine how these companies operate in this space.

In another instance, AT&T recently released their new terms of service for DSL users. In it they declare that they will reserve the right to terminate a subscriber's service for any conduct that they believe "tends to damage the name or reputation of AT&T, or its parents, affiliates and subsidiaries." Then, in August of this year, during a live webcast of a performance by the rock band Pearl Jam, AT&T censored out a comment made by a member of the group that criticized President Bush. Should we be worried that they will now terminate services if a customer espouses a belief that AT&T doesn't like? As a congressman that relies on the use of my Blackberry to communicate with my staff, should I be worried that my communications will be blocked if my local incumbent wireline or wireless company doesn't agree with my politics? A few years ago talk like this would be dismissed as the stuff of fiction more in keeping with a George Orwell novel.

We live in a country that is founded on the free expression of ideas. It has been one of the bedrock principles of this country for over 200 years. Now that principle is threatened. In our increasingly digital age, technological advances have made it so Americans contact each other through new and more innovative technologies. We must ensure that the principles of free expression remain sacrosanct, both from interference and censorship by the government as well as private companies.

Chairman Martin, I strongly urge you to prove to the American people that as we adapt to our growing technology, we don't do it at the expense of our most basic freedoms. I encourage you to investigate these two cases and protect interference with text messaging.

I look forward to your response to this matter

Sincerely,

Peter DeFazio

Member of Congress